

# Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 19 MAY 2004

EXPIRATION DATE: 4 JUNE 2004

REFERENCE NUMBER: POA-2004-687-2

WATERWAY NUMBER: Norton Sound

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. John Mehelich, Post Office Box 872231, Wasilla, Alaska 99687-2231.

<u>LOCATION</u>: The location is  $\frac{1}{4}$  mile offshore of Nome, in Norton Sound. The location is within T. 11 S. R. 37 W., sections 2, 3, 4, 5, 6, 11, and 12; T. 11 S., R. 36 W., sections 7, 8, 9, 13, 14, 15, 16; T. 11 S., R. 35 W., sections 26, 27, 28, 29, Kateel River Meridian. The latitude is 64° 30′ N with a longitude of 165° 31′ W.

<u>WORK</u>: Float a suction dredge on a 40-foot by 16-foot pontoon barge off the coast of Nome, in Norton Sound, Alaska. The ten-inch suction dredge will be used to dredge the ocean bottom to recover gold. Annually dredge and process 45,000 cubic yards of material. Work in water that is 8 feet deep to 15 feet deep. Deposit the processed tailings behind the dredge.

PURPOSE: Recover gold from the sea floor of Norton Sound.

ADDITIONAL INFORMATION: This is a new operation.

<u>WATER QUALITY CERTIFICATION</u>: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

<u>PUBLIC HEARING</u>: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. The affected Tribe upon written request to the District Engineer may initiate consultation during the public comment period.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service.

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: Marine waters off shore of Nome.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which

reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(l) guidelines. Subject to the preceding sentence and any other applicable quidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Victor Ross at (907) 753-2716, toll free from within Alaska at (800) 478-2712, or by email at victor.o.ross@poa02.usace.army.mil, if further information is desired concerning this notice.

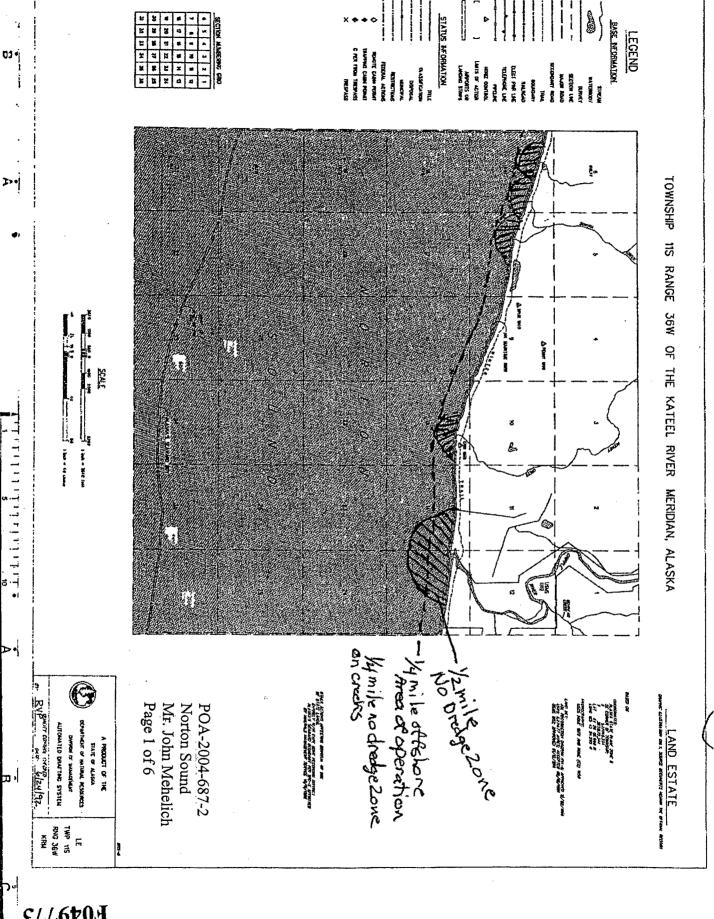
AUTHORITY: This permit will be issued or denied under the following authorities:

- (X) Perform work in or affecting navigable waters of the United States Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).
- (X) Discharge dredged or fill material into waters of the United States Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer U.S. Army, Corps of Engineers

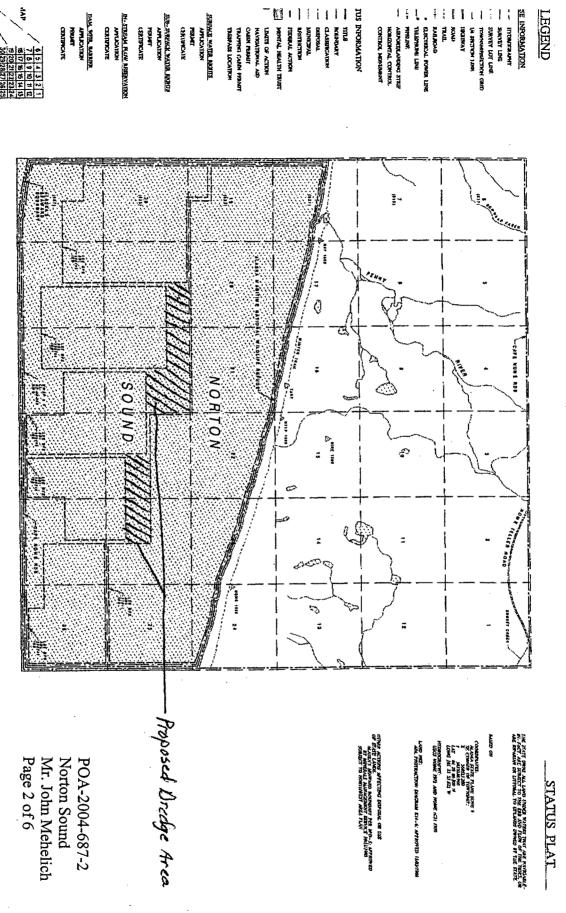
Attachments



E046113

# TOWNSHIP 11S RANGE 35W OF THE KATEEL RIVER MERIDIAN, ALASKA

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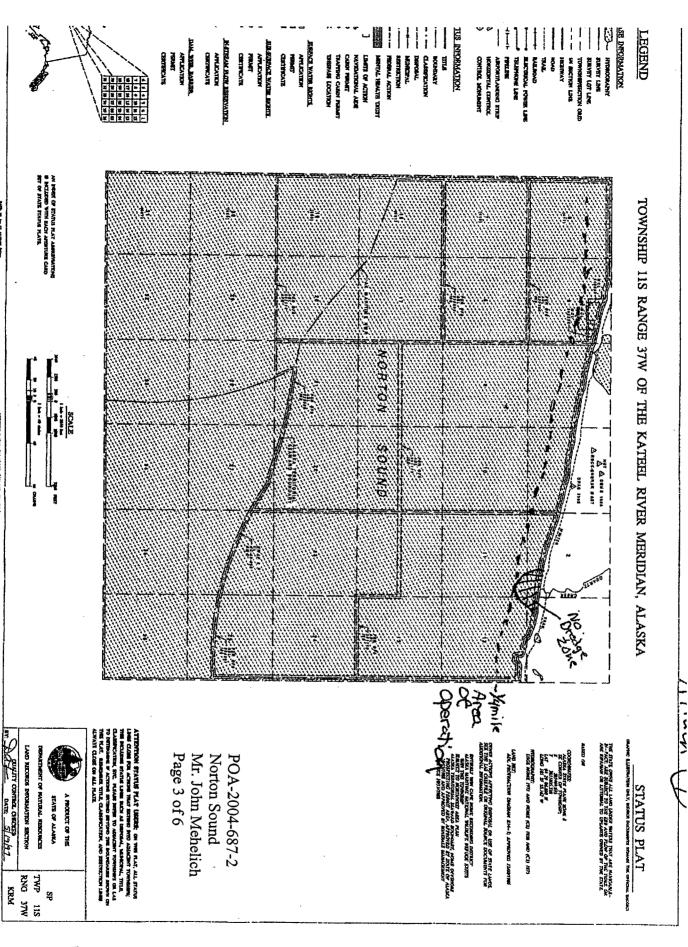
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### Operational Area

T.11s., R37W., Section's 6,54,32, Hand 12 Kateel River Meridian Non excluding Kymile radius at mouth of Quartz creek in Section 2.

The area of interest is 8' to 15' contour, generally Kymile offshor T.11s., R36W, Sections 78,9,13,14, 15 and 16 of Kateel River Meridian None B-1 excluding Kymile radius on streams in sections 78 and 15 excluding 12 mile radius at mouth of Cripple Creek. Sections 13+14

The area of interest Lies about 14 mile of Bhore in 8' to 15' of water T.11s., R35W, Sections 26,27,28 and 29 Kateel River Meridian Nome B-1 The area of interest is the unclaimed area between Trackit and Trackts 2,3,4 of Name offshore lease sale of 1999

Area of Operation mostly Lies about 9 miles west at Nome and continuing on for 12 miles west. The area in this stretce of beach Locks interesting in a contour of 8' to 15' deep 10stly Laying 14 mile or more offshore

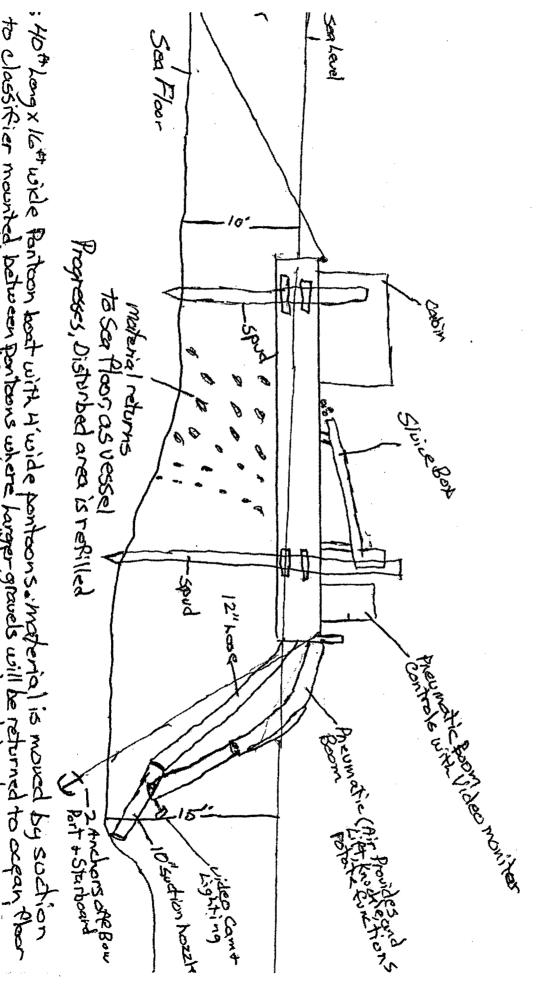
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## Operational Procedures

When vessel is in dredge area 1 stern anchor is set hen 2 Bow anchors are set then 2 spuds are putchwn spud on Stern corner and Ispud on Bow corner. juction nozzle is then Lowerd to bottom with a nechanical arm powered by compressed air for its Lift, wing and curl functions. Nozzle has underwater video americal to it operator watches video monitor and ontrolls nozzle accordingly. Material moves through 10" ozzle into 12" hose to verturi and directly onto reen Section with sump Larger rocks + gravel fall offe creen and return to bottom, Smaller Gold bearing Gravels "minus are caught in sump and Pumped to deck be run over carpeted sluice box retaining Gold and lowing Tailings to fall back to sea floor. Vessel will be operated by 3 people with 2 people on duty at all times I person in the bunk each getting this perday for rest allowing vessel to work fully during arelf periods of mineable weather vessel will be reposition is necessary to allow for Low Profile distribution of talling

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s through Sects 14,15,16,4,8,000 1 then continues west to T.115, R.36W., Sec 12 continuing Through Sections 11,2,3,4,5 and 6. Target depth is 8 to 15' generally 14 mile offshore tachments 5+6 generally lymile offshore



to classifier mounted between pentons where larger-gravels will be returned to expansion is moved by suction to classifier mounted between pentons where larger-gravels will be returned to expansion in material as maller will be pumped by 1040, elec. solds bound up to sloice box on POA-2004-687-2 revy concentrates are removed and tailings returned to ocean bottom, relevel Norton Sound Mr. John Mehelich Page 6 of 6

### STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPT. OF ENVIRONMENTAL CONSERVATION** 

DIVISION OF WATER

401 Certification Program
Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. <u>2004-687-2</u>, <u>Norton Sound</u>, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation WQM/401 Certification 555 Cordova Street Anchorage, Alaska 99501-2617 Telephone: (907) 269-7564

FAX:

(907) 269-7508

### STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

ALASKA COASTAL ZONE MANAGEMENT 550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660 ANCHORAGE, ALASKA 99501-3568

# NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **2004-687-2**, **Norton Sound**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at http://www.gov.state.ak.us/gdc/Projects/projects.html.

Attachment 2